

House Bill 352

By: Representatives Williams of the 4th, Dickson of the 6th, Willard of the 49th, Jerguson of the 22nd, Kaiser of the 59th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that in each county or municipality in which package sales of only malt beverages and wine by retailers is lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by a retailer of malt beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M., if approved by referendum; to provide that in each county or municipality in which package sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by a retailer of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M., if approved by referendum; to provide procedures; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, is amended by adding new subsections to read as follows:

"(p)(1) Notwithstanding other laws, in each county or municipality in which package sales of malt beverages and wine by retailers is lawful, but package sales of distilled spirits by retailers is not lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by retailers of malt beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M., if such Sunday sales of both malt beverages and wine are approved by referendum as provided in paragraph (2) of this subsection.

(2) Any governing authority desiring to permit and regulate package sales by retailers of both malt beverages and wine on Sunday from 12:30 P.M. until 7:00 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance.

Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday package sales by retailers of both malt beverages and wine to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of the county. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales by retailers of both malt () NO beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M.?''

All persons desiring to vote for approval of package sales by retailers of malt beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers of malt beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday package sales by retailers of malt beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M., the resolution or ordinance approving such Sunday package sales by retailers of malt beverages and wine shall become effective upon the date so specified in that resolution or ordinance. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) Whenever package sales of malt beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M. are authorized by a county or municipality pursuant to this subsection, Sunday package sales by retailers of malt beverages and wine may be made only by licensed retailers, licensed to sell by the package.

(4) The provisions of this subsection are in addition to or cumulative of and not in lieu of any other provisions of this title relative to the sale of malt beverages and wine by retailers.

(q)(1) Notwithstanding other laws, in each county or municipality in which package sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M., if such Sunday sales of malt beverages, wine, and distilled spirits are approved by referendum as provided in paragraph (2) of this subsection. Pursuant to this subsection, the governing authority may not seek authorization for Sunday sales of

only one type of alcoholic beverage, instead the governing authority must seek authorization of packages sales by retailers of all alcoholic beverages, including malt beverages, wine, and distilled spirits.

(2) Any governing authority desiring to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sunday from 12:30 P.M. until 7:00 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday package sales by retailers of malt beverages, wine, and distilled spirits to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of the county. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M.?' () NO

All persons desiring to vote for approval of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M., the resolution or ordinance approving such Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall become effective upon the date so specified in that resolution or ordinance. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) Whenever package sales of malt beverages, wine, and distilled spirits on Sundays from 12:30 P.M. until 7:00 P.M. are authorized by a county or municipality pursuant to this subsection, Sunday package sales by retailers of malt beverages, wine, and distilled spirits may be made only by licensed retailers, licensed to sell by the package.

(4) The provisions of this subsection are in addition to or cumulative of and not in lieu of any other provisions of this title relative to the sale of alcoholic beverages by retailers."

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SECTION 2.

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All laws and parts of laws in conflict with this Act are repealed.